

THE HONORABLE RICARDO S. MARTINEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

UTHERVERSE GAMING LLC,

Plaintiff,

V.

EPIC GAMES, INC.,

Defendant.

Case No. 2:21-cv-00799-RSM

**DECLARATION OF KATHERINE
MCNUTT IN SUPPORT OF
DEFENDANT EPIC GAMES, INC.'S
OPPOSITION TO PLAINTIFF'S
MOTIONS IN LIMINE**

1 I, Katherine McNutt, hereby declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP, counsel for Defendant
3 Epic Games, Inc. (“Epic”). I have personal knowledge of each fact stated in this declaration, to
4 which I could and would competently testify if called as a witness.

5 2. Attached hereto as **Exhibit 1** is a true and correct copy of U.S. Patent No.
6 9,724,605.

7 3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the
8 transcript of the claim construction hearing in this case, held on August 16, 2022.

9 4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from Epic’s
10 December 1, 2021 Non-Infringement Chart of U.S. Patent No. 7,924,605 for the Travis Scott
11 Concert.

12 5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from Epic’s June
13 9, 2023 Supplemental Responses to Utherverse’s Interrogatories Nos. 1-14.

15 I declare under penalty of perjury under the laws of the United States that the foregoing is
16 true and correct. Executed on September 9, 2024 in Glendale, California.

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18 */s/ Katherine E. McNutt*
19 Katherine E. McNutt
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CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2024 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

s/ Eric C. Wiener
Eric C. Wiener (*pro hac vice*)